

**ACMP Consistency Determination for
a reissuance of
General NPDES Permit AKG-37-1000
(Medium-size Suction Dredges)**

The enclosed certification statement is based upon the requirements listed in 15 CFR Part 930.39 and the Alaska Division of Governmental Coordination's "Guide to Preparing an ACMP Consistency Determination for Federal Activities."

A. AGENCY INFORMATION

Agency: EPA
District or Region: Region 10
Agency Contact: Cindi Godsey
Phone: (907) 271-6561
Fax Number: (907) 271-3424
Address: 222 W. Seventh Ave., Box 19, Anchorage, AK 99513
Electronic Mail: godsey.cindi@epa.gov

B. PROJECT INFORMATION

The proposed General Permit (GP) would authorize discharges from suction dredges in compliance with effluent limitations and Best Management Practice (BMP) requirements of the GP.

C. PROJECT DESCRIPTION

1. *Detailed Description.* This proposed GP is a reissuance of a previous GP which expired June 30, 1999.

Dredging systems are classified as hydraulic or mechanical (including bucket dredging), depending on the methods of digging. This GP is intended to regulate suction dredges, the most common hydraulic dredging system. These are quite popular in Alaska with the small or recreational gold placer miner. Like all floating dredges, suction dredges consist of a supporting hull with a mining control system, excavating and lifting mechanism, gold recovery circuits, and waste disposal system. All floating dredges are designed to work as a unit to extract and classify material, beneficiate ores and dispose of waste. Because suction dredges work the stream bed rather than stream banks, the discharge from suction dredges consists totally of stream water and bed material.

In the modified 1994 permit, EPA defined a medium size suction dredges as those with nozzles greater than four and less than or equal to eight inches. EPA is proposing to redefine the medium-size suction dredge range as greater than four inches and less than or equal to ten inch

dredges. Information provided in EPA's suction dredge study and the United States Geological Survey (USGS) study (see Appendix B of the Fact Sheet for a summary of the studies) on an eight and a ten inch suction dredge support the conclusion that the potential short-term effects on water quality caused by this increased size are well within the limitations of the proposed permit. In addition, the provision in the proposed permit requiring permittees to halt or reduce activity if they are not in compliance with permit limits further ensures that beneficial uses will be protected.

2. *Time line.* The proposed GP would be effective for a five year term. If EPA does not have a permit in place upon expiration, the provisions of the GP may be administratively extended for covered facilities until EPA reissues the GP.
3. *Site plan.* An applicant is required to submit a site map with the Notice of Intent to be authorized under this GP.
4. *Supporting documentation.* Please see the proposed GP and Fact Sheet.
5. *Proposed best management practices.* Best Management Practices (BMPs) appropriate for the industry are included in the permit. (Permit Part II.C. of the proposed GP).

D. PROJECT LOCATION

Suction dredging occurs in almost every part of the State. The majority of these facilities can be found in the Interior, the Kenai Peninsula and off-shore of the Seward Peninsula.

E. CONSISTENCY WITH THE ENFORCEABLE POLICIES OF THE ALASKA COASTAL MANAGEMENT PROGRAM

1. *District Policies.* A final consistency determination on the modified 1994 GP was made on October 28, 1996. Additional comments on the proposed GP's consistency with the District CMPs will be solicited from the affected coastal districts during the review period following this Federal agency notification (15 CFR Part 930.41).
2. *Alaska Coastal Management Program Standards*

The following analysis addresses the consistency of the proposed action with the relevant ACMP standards.

6 AAC 80.040: Coastal Development

The proposed GP would authorize qualifying discharges into freshwaters or marine. The activity is water-dependent. Since the activity occurs in the water, it is not expected to have an affect on coastal development.

**6 AAC 80.060: Recreational Use and
6 AAC 80.080: Transportation and Utilities**

The proposed GP is a reissuance of an expired GP with similar requirements. Nothing in this permit grants the right to build a facility contrary to the local, state and federal laws applicable to the coverage area.

6 AAC 80.120: Subsistence

In streams where suction dredging occurs, the most critical life stage for salmon is the egg stage. The GP prohibits suction dredging within 500 feet of locations where fish are spawning or where fish eggs or alevins are known to exist. The Alaska Department of Fish and Games issues permits for mining in anadromous streams which limit or prohibit mining while the eggs are in the gravel. In freshwaters, the GP is unlikely to be used during the critical phase. The issuance of this GP would not likely impact to subsistence uses in freshwaters. In marine waters, the use of a suction dredge could possibly have a minor impact on a subsistence use in a localized area around the dredge.

6 AAC 80.130: Habitats

POTENTIAL IMPACTS

It is anticipated that the activity of dredging and the discharge from suction dredges may have a localized, short term affect on aquatic biota. The EPA Suction Dredge Study referenced in the Fact Sheet found that systems usually recolonize within a season or two.

GENERAL PERMIT PROVISIONS

Effluent Limitations. Permit Part II.A. contains effluent limitations restricting the discharge of pollutants. There has been no change in the effluent limitations in Permit Part II.A. from the modified 1994 general permit.

Best Management Practices. Permit Part II.C. includes BMPs required to minimize any adverse environmental effects from activities authorized by the GP.

OFFSHORE AREAS

The proposed GP authorizes discharge to marine environment. This is especially prevalent off-shore of Nome.

WETLANDS

Discharges of wastewater to tundra wetlands are not anticipated under this GP.

RIVERS, STREAMS, AND LAKES

Discharges of wastewater will take place into open waters. The discharges are required to meet the effluent limitations and other requirements of the permit.

6 AAC 80.140. Air, Land, and Water Quality

AIR QUALITY STANDARDS

The proposed GP would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over activities affecting air quality.

WATER QUALITY STANDARDS

Section 301 of the Clean Water Act (the Act) prohibits the discharge of pollutants to waters of the United States unless that discharge complies with technology-based effluent limitations or any more stringent limitation necessary to achieve state water quality standards. Section 402 of the Act authorizes EPA to issue NPDES permits with conditions necessary to ensure that a discharge complies with the requirements of the Act.

The proposed GP includes an effluent limitation for turbidity. EPA has requested a Section 401 Certification of the proposed GP from the Alaska Department of Environmental Conservation. A Section 401 Certification is a determination that the proposed GP complies with the Alaska State Water Quality Standards.

Effluent Limitations. The proposed effluent limitations incorporate specific Alaska State Water Quality Standards for turbidity.

Best Management Practices. The proposed BMPs of the GP does not change the BMP requirements of the modified 1994 GP.

Monitoring and Reporting Requirements. The proposed GP does not change the monitoring requirements for compliance with the effluent limitations contained in the modified 1994 GP.

LAND QUALITY STANDARDS

The proposed GP would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over upland activities.

6 AAC 80.150: Historical, Prehistoric, and Archeological Resources

It is unlikely that discharges authorized under this GP would affect historical, prehistoric, and archaeological resources.

F. CONSISTENCY DETERMINATION

15 CFR Part 930.37. Consistency Determinations for Proposed Activities

Based on the above analysis of the state and district CMPs, EPA believes that the proposed general NPDES permit for Medium-size Suction Dredge Miners is consistent to the maximum extent practicable with approved State management programs.

The EPA determines that the proposed activity complies with, and will be conducted in a manner consistent to the maximum extent practicable with, the Alaska Coastal Management Program, including affected coastal district programs.

Randall F. Smith, Director
Office of Water, Region 10

Date